

CBW: nmb

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

v.

DOUGLAS WAYNE TARNOW

## CRIMINAL COMPLAINT

Case Number:

11-mj-53(mkk)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 31, 2011, in the State and District of Minnesota and within the exterior boundaries of the Red Lake Indian Reservation, the defendant DOUGLAS WAYNE TARNOW, an Indian, did knowingly cause another person, Jane Doe, also an Indian, to engage in a sexual act by using force against the other person.

in violation of Title 18, United States Code, Section(s) 1151, 1153(a), 2241(a)(1) and 2246.


I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

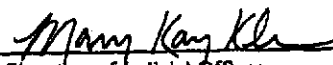
Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

02/08/2011 at  
Date  
The Honorable Mary Kay Klein  
UNITED STATES MAGISTRATE JUDGE  
Name & Title of Judicial Officer

  
Signature of Complainant  
Robert Mertz  
FBI

Bemidji, MN  
City and State

  
Signature of Judicial Officer

SCANNED

FEB 09 2011

U.S. DISTRICT COURT

1 STATE OF MINNESOTA )  
 2 COUNTY OF BELTRAMI )  
 3 \_\_\_\_\_ )

11-mj-53 (mkk)  
 ss. AFFIDAVIT OF ROBERT L. MERTZ

4 1. Your affiant, Robert L. Mertz, being duly  
 5 sworn, does depose and state as follows:

6 2. I am a Special Agent (SA) of the Federal Bureau  
 7 of Investigation (FBI). I have been a Special Agent of the  
 8 FBI since March of 2002. I am currently assigned to the  
 9 Bemidji, Minnesota Resident Agency (RA) of the FBI with the  
 10 primary responsibility of investigating violent crimes that  
 11 occur on the Red Lake Indian Reservation (the Reservation).  
 12 The information contained in this affidavit is based on my  
 13 knowledge and on the reporting and knowledge of other law  
 14 enforcement officers involved in this investigation.

15 3. On January 31, 2011, Red Lake Police Department  
 16 (RLPD) received a call from the Beltrami County Sheriff's  
 17 Office (BCSO) Dispatch regarding a physical assault that had  
 18 been reported.

19 4. Special Agent Mertz and RLPD Criminal  
 20 Investigator (CI) Paul Kwako, responded to North Country  
 21 Regional Hospital (NCRH) in Bemidji, Minnesota.

22 5. At NCRH, Jane Doe told investigators that from  
 23 approximately 9:30 pm, January 30, 2011 through January 31,  
 24 2011, she was forced by Douglas Wayne Tarnow to engage in  
 25 sexual acts after Tarnow placed her in fear that would be  
 26 subjected to death or serious bodily injury.

27 6. Jane Doe was dating Tarnow from November 2010,  
 28 until they broke up on Tuesday, January 25, 2011. Tarnow

1 kept some of Jane Doe's valuable possessions and would not  
2 give them back until she agreed to meet with him.

3           7. On Sunday, January 30, Jane Doe was coerced by  
4 Tarnow to pick him up at his aunt's house. Tarnow told Jane  
5 Doe he had explicit photographs of Jane Doe on his cell phone  
6 performing oral sex to Tarnow. Tarnow advised he was going  
7 to spread the photographs all over the Reservation if she did  
8 not meet with him. Jane Doe agreed to meet with Tarnow and  
9 picked him up at his aunts residence.

10           8. Jane Doe drove to her residence arriving at  
11 approximately 9:30 p.m. Once inside her residence, Tarnow  
12 began accusing Jane Doe of being unfaithful, calling her a  
13 whore and a slut.

14           9. Tarnow then grabbed Jane Doe and threw her to  
15 the ground. Jane Doe was body-slammed by Tarnow on her head,  
16 tail bone, and side approximately ten (10) times causing  
17 severe pain.

18           10. At approximately 3:00 a.m., Tarnow ripped Jane  
19 Doe's clothing off and forced her to perform oral sex on  
20 Tarnow, stating that it always made him feel better.

21           11. Tarnow refused to let Jane Doe get dressed and  
22 made her sleep next to him for the night. Jane Doe advised  
23 she did not try to escape, because she was afraid Tarnow  
24 would hurt her real bad.

25           12. The following morning, Jane Doe woke up to  
26 prepare to go to work. Tarnow again forced Jane Doe to have  
27 sexual intercourse with him that morning.

28           13. Afterward, Tarnow began to accuse Jane Doe of

1 infidelity and proceeded to punch her with a closed fist on  
2 the back of her head and stomp on her stomach with his  
3 stocking feet.

4 14. Afterwards, Tarnow forced Jane Doe to give him  
5 a ride to the clinic in Bemidji, Minnesota to get checked for  
6 sexually transmitted diseases he claimed Jane Doe gave to  
7 him. Jane Doe advised Tarnow did not want to go to the  
8 Indian Health Services (IHS) because they would document all  
9 of Jane Doe's injuries.

10 15. As they were driving to Bemidji, Tarnow  
11 grabbed Jane Doe by her hair, pulled a knife out of his  
12 pocket, and cut a large chunk of Jane Doe's hair off. Jane  
13 Doe stated Tarnow threatened that if she made a scene at the  
14 clinic, he would do the same to her. Jane Doe advised she  
15 took that as a threat he would hurt her real bad.

16 16. Additionally, Tarnow audio recorded on his  
17 cell phone, Jane Doe admitting to having sex with some of  
18 Tarnow's friends. Jane Doe advised this was not true, but  
19 she made those statements because Tarnow continued to hit her  
20 until she made the statements.

21 17. Jane Doe advised she believed that if she  
22 admitted sleeping with his friends, Tarnow would stop beating  
23 her.

24 18. SA Mertz has learned that Douglas Wayne  
25 Tarnow, Date Of Birth (DOB) XX/XX/1981, is an enrolled member  
26 of the Red Lake Band of Chippewa Indians.

27 19. SA Mertz has learned Jane Doe, DOB XX/XX/1978  
28 is an enrolled member of the Red Lake Band Of Chippewa

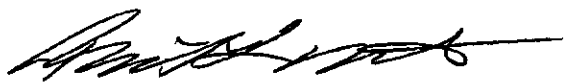
1 Indians.

2           20. BCSO reported that Jane Doe advised Tarnow  
3 made threats to harm her family, her children, and burn her  
4 house down if she did not cooperate with him. Jane Doe  
5 reported she was fearful of Tarnow stating that his family  
6 and gang affiliates would carry out those threats if Tarnow  
7 was arrested.

8           21. SA Mertz has learned that Jane Doe's residence  
9 is located within the exterior boundaries of the Red Lake  
10 Indian reservation.

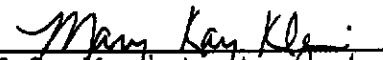
11           22. Based on the above information, I believe that  
12 there is probable cause to conclude that from January 30  
13 through January 31, 2011, within the exterior boundaries of  
14 the Red Lake Indian Reservation, Minnesota, a location within  
15 the special territorial jurisdiction of the United States,  
16 Douglas Wayne Tarnow, an Indian, did knowingly cause Jane Doe  
17 to engage in a sexual act by using force against Jane Doe and  
18 by threatening and placing Jane Doe in fear that she would be  
19 subjected to serious bodily injury, all in violation of Title  
20 18, United States Code, Sections 2241(a)(1), 2242(a)(2),  
21 2246, 1151 and 1153(a).

22           23. Further your affiant sayeth not.  
23  
24  
25  
26  
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28



Robert L. Mertz  
Special Agent  
Federal Bureau of Investigation  
Minneapolis, Minnesota

Subscribed and sworn to before me this 08 day of February,  
2011.

  
U.S. Magistrate Judge